

IN THE

**Court of Appeal of the State of California**

IN AND FOR THE

**Fifth Appellate District**

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Nickolas J. Dibiaso, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Joe G. Lopez, Senior Deputy Clerk.

**F037363      California Teachers' Association et al. v. Governing Board Of The Golden Valley Unified School District et al.**

Cause called and argued by Ernest H. Tuttle, III, Esq., counsel for appellants and by Bryan G. Martin, Esq., counsel for respondents.

Cause ordered submitted.

**F036603      City of Modesto v. Smith et al.; U.A. Local No. 442**

Cause called and argued by Roland R. Stevens, Esq., Deputy District Attorney, counsel for appellant and by Sarah L. Cohen, Esq., counsel for respondents Stephen Smith, et al., and by John J. Davis, Jr., Esq., counsel for Intervenor and respondent U.A. Local No. 442.

All parties are directed to simultaneously file briefs by May 17, 2002, on the issues stated in the record, and submission is deferred until May 17, 2002.

Court recessed until Thursday, April 18, 2002 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Nickolas J. Dibiaso, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Diana Monopoli, Deputy Clerk.

**F033791      People v. Madrigal**

Cause called and argued by Mary K. McComb, Esq., counsel for appellant. Susan Rankin Bunting, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Friday, April 19, 2002 at 10:00 A.M.

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**F039234      People v. Dye**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F036520      People v. Power**

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Harris, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036290      Nickel v. Meier**

The judgment is affirmed. Respondents are awarded costs on appeal. Dibiaso, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038285      In re Brian A., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036936      People v. Castro**

The submission of the above-entitled case for decision having been deferred on Tuesday, April 12, 2002, to allow the absent assigned justice to listen to the tape recording of the oral proceedings and participate in the determination of this appeal upon his return, IT IS ORDERED that the case is submitted for decision.

**F036494      People v. Dearing**

We reverse appellant's conviction of possession of methamphetamine (count 2) in violation of Health and Safety Code section 11377, and affirm the judgment in all other respects. Ardaiz, P.J.

We concur: Harris, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F036600      People v. Wu**

The judgment is affirmed. Wiseman, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037376      People v. Manuel**

The judgment of convictions is affirmed. Defendant's sentence is modified by striking one of the prior prison term enhancements under section 667.5, subdivision (b). The court shall prepare an amended abstract of judgment reflecting this modification and forward a copy to the appropriate authorities. Wiseman, J.

We concur: Vartabedian, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040145      In re Tommi S., a Minor**

**F040148      In re Dustin S., a Minor**

Appellant Shannon S.'s motion to consolidate the above-entitled cases is granted.